

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION,

Civil Action 2:13-MD-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers

This document relates to: ALL CASES.

ORDER

This matter came before the Court for a telephonic status conference on July 1, 2013.

This Order memorializes the results of the conference as follows:

The Court conferred with counsel regarding the status of the parties' proposed protective order. The parties indicated that they are making progress and that they anticipate submitting a draft for the Court to review on or before Friday, July 5, 2013. In the event the parties are unable to submit an agreed-upon proposed protective order by July 5, 2013, the parties are **DIRECTED** to outline the areas of contention via email to Sargus_Chambers@ohsd.uscourts.gov and Deavers_Chambers@ohsd.uscourts.gov. The parties also indicated that they are working together to draft a proposed common benefit order, which would establish a common benefit fund to compensate the Plaintiff's Steering Committee for costs and attorneys' fees incurred in providing case-wide services.

The parties asked, and the Court agreed, to modify the May 23, 2013 Order (ECF No. 19) with regard to the notification requirement for tag-along cases given that often Defense counsel is

in a better position to notify the Court of newly-filed cases. Accordingly, the May 23, 2013 Order is **MODIFIED** as follows: Plaintiffs' Liaison Counsel or Defense Counsel, upon learning of additional tag-along cases filed in this district, as well as any additional cases filed in other districts that the United States Judicial Panel on Multidistrict may transfer pursuant to 28 U.S.C. § 1407, are **DIRECTED** to file a notice alerting the Court of the new cases if such a notice has not yet been filed. The Court acknowledges that where new plaintiffs' counsel is involved, receipt of notice will likely be delayed until Defense counsel is served with the complaint.

The parties informed the Court that Defendant is continuing to work to create an abbreviated, standard answer setting forth all of the affirmative defenses of which it is aware at this juncture. Defense counsel further indicated that it anticipates completing its Federal Rule of Civil Procedure 26(a) automatic disclosures on or before July 29, 2013. Defendant has agreed to waive Plaintiffs' initial disclosures with the understanding that the parties will agree upon Plaintiff fact sheets and medical release forms.

Finally, the Court reminded the parties that the agenda for the July 29, 2013 in-person status conference will include the establishment of a scheduling order. The Court inquired whether the parties had reached any agreements or identified any points of contention with regard to the establishment of a case schedule. The parties indicated that they anticipated working together over the next several weeks to reach an agreement upon proposed dates. The Court **DIRECTS** the parties to submit a status report identifying any points of contention relating the establishment of a case schedule via email to Sargus_Chambers@ohsd.uscourts.gov and Deavers_Chambers@ohsd.uscourts.gov **ON OR BEFORE WEDNESDAY, JULY 24, 2013**. The Court reminds the parties to email a list of participants and their email addresses and to file

with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed.

IT IS SO ORDERED.

7-1-2013
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE


ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE